

FILED

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**Board of Vocational Nursing
and Psychiatric Technicians**

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8 **BEFORE THE**
9 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2004-670

13 SABRINA RENEE PADGETT
P.O. Box 84080
14 Los Angeles, CA 90073

A C C U S A T I O N

15 Vocational Nurse License Number LVN 187470

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this.
20 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
21 Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

22 2. On or about March 5, 1999, the Board issued Vocational Nurse License
23 No. LVN 187470 to Sabrina Renee Padgett aka Sabrina Rene Padgett (Respondent). The
24 Vocational Nurse License will expire on February 28, 2009, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws. All Section references are to the Business and Professions Code unless
28 otherwise indicated.

1 4. Section 2875 provides, in pertinent part, that the Board may discipline the
2 holder of a vocational nurse license for any reason provided in Article 3 (commencing with
3 section 2875) of the Vocational Nursing Practice Act.

4 5. Section 118, subdivision (b), provides, in pertinent part, that the expiration
5 of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during
6 the period within which the license may be renewed, restored, reissued or reinstated. Under
7 Section 2892.1, the Board may renew an expired license at any time within four years after the
8 expiration.

9 6. Section 490 states:

10 "A board may suspend or revoke a license on the ground that the licensee has
11 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or
12 duties of the business or profession for which the license was issued. A conviction within the
13 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
14 contendere. Any action which a board is permitted to take following the establishment of a
15 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
16 been affirmed on appeal, or when an order granting probation is made suspending the imposition
17 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
18 Penal Code."

19 7. Section 2878 states, in pertinent part:

20 "The Board may suspend or revoke a license issued under this chapter [the
21 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

22 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

23

24 "(f) Conviction of a crime substantially related to the qualifications, functions,
25 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
26 conclusive evidence of the conviction. . . ."

27 8. Section 2878.5 states, in pertinent part:

28 In addition to other acts constituting unprofessional conduct within the meaning

1 of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person
2 licensed under this chapter to do any of the following:

3 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
4 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
5 administer to another, any controlled substance as defined in Division 10 of the Health and
6 Safety Code, or any dangerous drug as defined in Section 4022.

7 "(b) Use any controlled substance as defined in Division 10 of the Health and
8 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an
9 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,
10 or to the extent that the use impairs his or her ability to conduct with safety to the public the
11 practice authorized by his or her license.

12 "(c) Be convicted of a criminal offense involving possession of any narcotic or
13 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
14 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
15 conclusive evidence thereof.

16 "(d) Be committed or confined by a court of competent jurisdiction for
17 intemperate use of or addiction to the use of any of the substances described in subdivisions (a)
18 and (b) of this section, in which event the court order of commitment or confinement is prima
19 facie evidence of that commitment or confinement. . . ."

20 9. California Code of Regulations, title 16, section 2521, states, in pertinent
21 part:

22 "For the purposes of denial, suspension, or revocation of a license pursuant to
23 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
24 act shall be considered to be substantially related to the qualifications, functions or duties of a
25 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
26 licensed vocational nurse to perform the functions authorized by his license in a manner
27 consistent with the public health, safety, or welfare. . . ."

28 10. Section 125.3 provides, in pertinent part, that the Board may request the

1 administrative law judge to direct a licensee found to have committed a violation or violations
2 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
3 enforcement of the case.

4 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

5 11. Methamphetamine is a Schedule II controlled substance as designated by
6 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug
7 pursuant to Business and Professions Code section 4022.

8 FIRST CAUSE FOR DISCIPLINE

9 **(Convictions of Substantially Related Crimes)**

10 12. Respondent is subject to disciplinary action under Sections 490 and 2878,
11 subdivision (f), as defined in California Code of Regulations, title 16, section 2521, in that
12 Respondent committed crimes substantially related to the qualifications, functions or duties of a
13 licensed vocational nurse which to a substantial degree evidence present or potential unfitness of
14 Respondent to perform the functions authorized by her license in a manner consistent with the
15 public health, safety, or welfare. The convictions are as follows:

16 (a) BATTERY ON TRANSPORTATION PERSONNEL

17 On or about February 17, 2006, in a criminal proceeding entitled *The People of*
18 *the State of California v. Sabrina Rene Padgett* in Los Angeles County Superior Court, Compton
19 Courthouse, Case No. 6CP01364, Respondent was convicted on her plea of *nolo contendere* for
20 violating Penal Code section 243.3 (battery on transportation personnel), a misdemeanor.

21 The circumstances of the conviction are that on or about February 14, 2006,
22 Respondent, while intoxicated and riding an MTA bus, threw an open glass bottle of Orange
23 Cisco from the rear door area of the bus at the bus operator, who was seated at the steering wheel
24 of the bus. Los Angeles County Sheriff's deputies arrested and detained Respondent.

25 (b) USE/UNDER INFLUENCE OF METHAMPHETAMINE

26 On or about April 27, 2006, in a criminal proceeding entitled *The People of the*
27 *State of California v. Sabrina Renee Padgett* in San Bernardino County Superior Court, Fontana
28 Division, Case No. MVA049462, Respondent was convicted on her plea of *guilty* for violating

1 Health and Safety Code section 11550(a) (use/under influence of controlled substance, to with,
2 methamphetamine), a misdemeanor. On or about April 19, 2007, the Court ordered
3 Respondent's diversion terminated and criminal proceedings resumed.

4 The circumstances of the conviction are that on or about April 4, 2005, at
5 approximately 3:00 a.m., Rialto Police Department officers on routine patrol in a police vehicle
6 approached Respondent, standing in the middle of traffic lanes. Respondent admitted to the
7 officers that one hour before she used methamphetamine, a controlled substance and dangerous
8 drug. The officers arrested and detained Respondent.

9 (c) DISTURBING THE PEACE

10 On or about January 27, 2005, in a criminal proceeding entitled *The People of the*
11 *State of California v. Sabrina Renee Padgett* in San Bernardino County Superior Court, San
12 Bernardino District, Case No. MSB080451, Respondent was convicted on her plea of *guilty* for
13 violating Penal Code section 415(2) (disturb the peace), a misdemeanor.

14 The circumstances of the conviction are that on or about October 12, 2004, San
15 Bernardino Police Department officers arrested Respondent for prostitution after Respondent
16 offered to perform a sex act on an undercover officer for money.

17 (d) DISORDERLY CONDUCT: UNDER INFLUENCE ALCOHOL/DRUGS

18 On or about November 17, 2004, in a criminal proceeding entitled *The People of*
19 *the State of California v. Sabrina Renee Padgett* in San Bernardino County Superior Court, Case
20 No. 490780SP, Respondent was convicted on her plea of *guilty* for violating Penal Code section
21 647(f) (disorderly conduct: person under influence of alcohol/ drugs), a misdemeanor.

22 The circumstances of the conviction are that on or about September 12, 2004, at
23 approximately 5:15 p.m., San Bernardino Sheriff's Department deputies observed Respondent
24 walking down a public street, yelling and throwing a glass beer bottle into a parking lot.
25 Respondent was arrested for public intoxication.

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1 diversion program for intemperate use of a controlled substance and dangerous drug, as more
2 fully described above in paragraph 12(b).

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 17. Respondent is subject to disciplinary action under Section 2878,
6 subdivision (a), in that Respondent committed acts of unprofessional conduct as more fully
7 described above in paragraphs 12 - 16, inclusive.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
11 Technicians issue a decision:

12 1. Revoking or suspending Vocational Nurse License No. LVN 187470,
13 issued to Sabrina Renee Padgett.

14 2. Ordering Sabrina Renee Padgett to pay the Board of Vocational Nursing
15 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
16 case, pursuant to Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: January 24, 2008

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21 TERESA BELLO-JONES, J.D., M.S.N., R.N.
22 Executive Officer
23 Board of Vocational Nursing and Psychiatric Technicians
24 Department of Consumer Affairs
25 State of California

26 Complainant